

REMARKS

Claims 1-19 are pending with this response. Claims 1-18 are rejected by this Office Action. Claim 19 is being added. The finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114, and the Applicants submission filed on 11/24/03 has been entered.

Other Amendments

The Applicant has amended claim 1 to delete “the steps of” from the preamble. The amendment is supported in the specification as originally filed.

Claim Rejections - 35 U.S.C. § 101

Claims 13-18 are rejected by the Office Action under 35 U.S.C. 101. Regarding claim 13, the Office Action alleges that “the logic represents a mere idea in the abstract since this logic symbolizes software that is not tangibly embodied on a piece of hardware for use in processing the steps of the claim”. The Applicant has amended the preamble as “An apparatus for displaying phases on a computer in which components of a system for providing a web architecture framework are delivered comprising” and has added the element “a processor that executes computer-executable instructions for performing the logic in (a)-(f)”. As amended, claim 13 symbolizes software that is tangibly embodied on a piece of hardware for use in processing the logic as claimed. Thus, the Applicant submits that claims 13-18 are directed to statutory subject matter and requests reconsideration.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, and 18 are rejected by the Office Action under U.S.C. 103(a) as being obvious over US 4,937,743 (Rassman). Regarding claim 1, the Office Action alleges that the feature of “displaying a pictorial representation of an existing system including a plurality of components” is taught in Rassman and admits that “Fig. 7, [shows how resources 123, 233, 224 {which represent components} are displayed]”. (Emphasis added.) Moreover, the Office Action alleges that the feature of “compiling a listing of **additional components** for implementation into the existing system” is taught by Rassman as cited in column 3, lines 7-11. (Emphasis added.) As admitted by the Office Action, Rassman “discloses that the **resource information** in the database can be updated to have the most recent data.” (Emphasis added.) Rassman teaches (Column 3, lines 7-11):

In one of its preferred configurations, the invention contemplates providing access to a data base to permit continuous updating of the information stored therein so

that when resource utilization is displayed it reflects the most recent data in the data base.

Rassman merely teaches continuous updating of information for existing components and does not teach the feature of “compiling a listing of **additional components** for implementation into the existing system”. (Emphasis added.) The Office Action further alleges that Rassman teaches the features of “determining a first set of the **additional components** for implementation in a first implementation phase” and “determining a second set of **additional components** for implementation in a second implementation phase”. However, Rassman, as cited by the Office Action, merely teaches a primary data base and a secondary data base that contains resource information. Moreover, the Office Action alleges that Rassman teaches the features of “modifying the pictorial representation of the existing system to show a pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase” and “modifying the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase”. (Emphasis added.) However, Rassman in Figure 7 merely shows existing resources 123, 223, and 224 (which represent the same components as the Office Action cites as the plurality of components in an existing system but which does not represent additional components) even though information about the existing resources may change. Thus, the Applicant submits that claim 1 is patentable over Rassman.

Regarding independent claims 7 and 13, the Office Action alleges that “computer programs, code segment and logic are inherent with Rassman, et al’s system because [since] he teaches that this method is carried out in a computer system, computer programs using code segments and logic is absolutely necessary for the computer to successfully process information and produce results.” Hence, claims 7 and 13 are patentable over Rassman for at least the same reasons as discussed above.

Claims 4, 5, 6, 10, 11, 12, 16, 17, and 18 ultimately depend from claims 1, 7, and 13 and are patentable for at least the same reasons as discussed above. Thus, the Applicant requests reconsideration of claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, and 18.

Claims 3, 9, and 15 are rejected by the Office Action as being unpatentable over Rassman in view of US 5,208,765 (Turnbull). As discussed above, regarding claims 1, 7, and 13, Rassman

does not teach or even suggest the features of “compiling a listing of additional components for implementation into the existing system”, “determining a first set of the additional components for implementation in a first implementation phase”, “determining a second set of additional components for implementation in a second implementation phase”, “modifying the pictorial representation of the existing system to show a pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase”, and “modifying the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase”. Moreover, Turnbull does not make up for the deficiencies of Rassman. Claims 3, 9, and 15 depend from claims 1, 7, and 13 and are patentable over Rassman in view of Turnbull. Thus, the Applicant requests reconsideration of claims 3, 9, and 15.

CONCLUSION

The Applicant has added claim 19, which is supported by the specification and drawings as originally filed.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

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Respectfully submitted,



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